

TO DIVIDE STATE

Of West Virginia Into Two Federal Judicial Districts.

THE JUDICIARY COMMITTEE

Has Decided by Unanimous Vote to Report the Bill

TO HOUSE OF REPRESENTATIVES

To-day--The Presentation of the Case is a Very Strong One--It is Accompanied by Tabulated Statistics, Obtained Directly from the Records, Which Illustrate Clearly the Argument Made by the Proponents--Has Influential Backing, Including the Commendation of Former Attorney General McKenna.

Special Dispatch to the Intelligencer.

WASHINGTON, Feb. 3.--The bill pending in both houses of Congress providing for a division of West Virginia into two federal judicial districts will, it is understood, be reported favorably to the house of representatives to-morrow by a unanimous vote of the judiciary committee. The report is already prepared, and only awaits the official sanction of the committee and transmission to the house.

The presentation of the case is understood to be a strong one. It is accompanied by tabulated statistics obtained directly from the records, which illustrate clearly the argument made by the promoters of the measure, and with a favorable report from the committee, backed by the strong support of the congressional delegation and the state bar association, there seems to be no doubt of the passage of the bill through both houses. The report of the committee without the tabulated statement will be in substance as follows:

The committee on the judiciary, to whom was referred the bill (H. R. 5563) "To divide the state of West Virginia into two judicial districts," having carefully considered the same, beg to submit the following report recommending the passage of said bill for the reasons hereinafter set forth.

The state of West Virginia is not less than 40 miles from the northern to the southern extremity and is at least an equal distance east and west. Its area is 24,739 square miles while its population by the census of 1890, was 763,794. The population has been increasing very rapidly, and, based upon the vote cast by her in the last election, is estimated to be now over 1,000,000. The state is a mountainous one, with comparatively few railroads, hard to travel over and with a large mining population rapidly increasing. There are fifty-five counties all embraced in one federal judicial district. The state is embraced in the fourth circuit, which has but two circuit judges. District and circuit courts are held at Martinsburg, Clarksburg, Parkersburg, Wheeling and Charleston.

Clarksburg, by rail, is distant from Parkersburg, the home of the present district judge, over 275 miles. Clarksburg is eighty-two miles, Wheeling 100 miles and Charleston 120 miles from the same point. There are two regular terms each year at each and all of these points.

The present district judge of West Virginia is over seventy years of age, and is the oldest commissioned federal judge in the United States. Several statements tabulated from the attorney general's reports are here attached as a part of this report. The first, marked Exhibit "A," gives the states, counties, population, number of judicial districts, circuit judges and district judges in each. The second marked Exhibit "B," shows the number of cases pending in the district courts of West Virginia for a period of thirteen years, from 1885 to 1897 inclusive. The third, marked Exhibit "C," shows the number of cases terminated in said courts during the same period. The fourth and last shows the number of criminal prosecutions pending in federal courts of the different states and territories for a period of eight years from 1890 to 1897 inclusive.

From these tables it is clearly shown: First--That West Virginia's business has been increasing, so far as federal courts are concerned, until now it is impossible for a single district judge to attend to it. The number of cases from 1885 to 1897 have increased from 756 to 1,532, notwithstanding from 225 to 950 cases a year have been disposed of. For example, in 1895, 950 cases were terminated, an average of more than three for each working day in the year, yet after this enormous number had been disposed of, 1,459 remained pending and undetermined.

In 1896, 827 cases were disposed of and 1,479 remained, and in 1897, 598 were disposed of and 1,532 remained to be tried. This condition is not spasmodic, it has been uniform and continuous for at least thirteen years.

Second--That only the states of Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island and South Carolina, nine in all, have as few federal districts and as few circuit and district judges as West Virginia, and only five of these equal or exceed her in population, while in 1896 the criminal cases pending in all nine of these states combined, amounted to 323, while those in West Virginia alone amounted to 956, or nearly three times as many.

Third--That during the period from 1890 to 1897 the West Virginia courts have had more criminal prosecutions pending in them than have the courts of any other state or territory (not excepting the District of Columbia) in the Union for the years 1890, 1891, 1892, 1893, 1894 and 1895, five out of the eight last years, and it is believed the same is true for the year 1896, but no report in this regard is given for this state for that year. In 1896, this state is slightly surpassed in this particular by Georgia having two district judges, Alabama having three and Mississippi having two; while in 1897 she is slightly surpassed by Georgia, Mississippi and by Indian Territory, with three districts.

Fourth--That West Virginia in 1895, an average year, had 105 more cases than were pending in the twelve districts combined embraced in the states of New York, Pennsylvania, Illinois, Ohio, Missouri and Massachusetts, the six largest states in population in the Union.

Fifth--That in this year 1895 she had forty-nine more of these cases than were pending in the twenty-five districts combined embraced in the states and territories of Nevada, Wyoming, Connecticut, Alaska, Maryland, New Hampshire, Washington, South Dakota, Montana, Arizona, Rhode Island, Minnesota, Oregon, Vermont, New Jersey, Ohio, Ne-

braska, Louisiana, Maine, South Carolina, Kentucky and Colorado, twenty-three in all.

It is strongly insisted by the governor of the state, Senator Elkins, the entire delegation in the house and a number of other distinguished citizens who have appeared before and been heard by a sub-committee of this committee that the passage of this bill would save the government double the amount of the extra cost in salaries of the additional judge, district attorney and marshal provided by it. A careful study of the existing conditions and facts strongly sustain this estimate.

It has been clearly shown that the condition of the docket is so congested that at any one term of court many cases pending cannot be tried for want of time, although witnesses in large numbers may be in attendance. It becomes necessary to continue them and, in many instances, they are transferred from trial to another point, where the next term is about to be held. This involves the extra expense of large mileage and per diem costs to witnesses, which very quickly exceeds the amount of salaries required to pay another judge, marshal and attorney. Then too, the large costs incurred in additional fees to deputy marshals, by reason of this condition, must be considered. While it is impossible to reduce the estimate to an absolute demonstration, yet the fact that in 1896, an average year, \$41,790 was paid in costs of witnesses which was found to be insufficient, requiring an additional sum of \$947.25 to be paid the following year to make up the deficiency, in all \$42,737.25 for witnesses fees for the year, and that the fees paid marshals for the same year aggregated \$18,700, shows this estimate of saving to be conservative and likely under rather than over stated. The costs incurred in this particular in this court are only exceeded by two or three other districts in the country covering vast and sparsely settled territory where mileage bills are necessarily large.

This measure is entirely non-partisan and was unanimously endorsed at the last annual meeting of the Bar Association of West Virginia, and a committee of seven of the leading lawyers of the state, belonging to both leading political parties, was appointed to urge its passage.

The measure has further been submitted to the department of justice and strongly approved, as shown by the following letter from the attorney general.

Department of Justice, Washington, D. C., Jan. 20, 1898. Hon. Cass Broderick, Chairman, &c., House of Representatives.

SIR:--In answer to your letter of the 13th inst., asking my views as to the propriety of passing H. R. 5563, a bill to divide the state of West Virginia into two judicial districts, I have to say: That from 1835 to 1897 inclusive, the number of cases pending in the courts of that state appears to have increased from about 800 to 1,532, although from 325 to 950 cases a year have been disposed of; that the number of criminal cases pending in West Virginia district exceeds the number pending in Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, South Carolina and South Dakota combined; that from 1890 to 1897 the West Virginia court had more criminal prosecutions pending in it than have the courts of any other state or territory during the years 1890, 1891, 1892, 1893, 1894, 1895 and probably 1896; that in 1895 the court in West Virginia had more cases pending than in the twelve districts combined in New York, Pennsylvania, Illinois, Ohio, Missouri and Massachusetts.

These facts are taken from the reports of the attorneys general, where other interesting data on the subject may be found.

It would seem from them that Congress would be justified in establishing another district in West Virginia.

Respectfully, JOSEPH McKENNA, Attorney General.

ANTI-SCALPING BILL

With Amendments Reported Favorably by the Senate Committee.

WASHINGTON, D. C., Feb. 3.--The senate committee on inter-state commerce to-day authorized a favorable report on the anti-scalping bill with amendments, the most important of these amendments being the following, offered by Senator Tillman, relating to railroad passes:

"That giving free transportation to persons or property, except as allowed by section 22 of the act, to regulate commerce," approved February 4, 1887, shall be deemed an unjust discrimination under section 2, of said act, and shall be punished as provided in section 10, of said act; and in addition to the penalties upon individuals provided in section 19, the corporation which may be guilty of any such offense shall be punished by fine as in said section provided.

"That all free passes issued by or on behalf of any railroad corporation subject to the provisions of said act shall be signed by some officer of the corporation authorized by vote of the directors to sign the same, and every such railroad corporation shall keep a record showing the date of every free pass, the name of the person to whom it is issued, the points between which the pass is granted and whether a single trip or time pass and if the latter, the time for which it is issued; and this record shall at all times be open to the inter-state commerce commissioners or to their representatives who may be duly authorized in writing to examine the same."

The house bill was used as a basis of proceeding and section 2 of that bill was amended so as to remove all restrictions as to the person to whom a ticket holder may sell his ticket. Originally the person to whom the ticket could be sold must be one "who would in good faith personally use it in the prosecution of a journey." This clause was eliminated and the proviso was left to read as follows: "That the purchaser of a transferable ticket in good faith for personal use in the prosecution of a journey shall have the right to resell the same."

Section 3 in the bill was also amended so as to reduce the penalty for the first offense against its provisions from \$1,000 to \$500, to eliminate all provisions for imprisonment and provide a penalty of \$1,000 for the second offense.

Senator Walcott's Bill.

WASHINGTON, D. C., Feb. 3.--Senator Walcott, of Mississippi, is seriously ill at his apartments in the Cairo, this city. Last Thursday he was seized by a chill in the senate and was forced to leave the chamber. He has since been confined to his bed. His physician says that the senator is suffering from an attack of the grip.

Japan's Opposition Revived.

WASHINGTON, D. C., Feb. 3.--Japan has been removed as an element in the opposition to the consummation of the annexation of the Hawaiian Islands by the United States. This result has

been attained by the conclusion of an agreement between our government and that of Japan, as represented by Minister Teru Hoshi. The exact basis of this agreement has not yet been made public, but the general scope of it is understood to be recognition of the rights of Japanese in Hawaii to claim equal rights with Japanese in the United States, after the taking effect of the treaty with Japan proclaimed in 1895.

"Mixed" Marriages.

WASHINGTON, D. C., Feb. 3.--Dr. Rooker, secretary of the apostolic delegation, says the question of mixed marriages between Catholics and Protestants has not recently come to the attention of the authorities here, and that any action on the subject, such as is currently reported, is confined to the St. Louis diocese and has no general application so far as is known here.

Congressional Campaign Committee.

Special Dispatch to the Intelligencer. WASHINGTON, Feb. 3.--A joint caucus of Republican senators and representatives is being held to-night for the appointment of a congressional campaign committee. Mr. Miller, of the Fourth district, will be West Virginia's member of the committee. It has been since his election to congress.

GRABLE TALKS

Of His Connection With Cashier Quinlan.

ST. LOUIS, Feb. 3.--Mr. Francis Grable, to whom Mr. William J. Quinlan, Jr., cashier of the Chemical National Bank, of New York, loaned \$393,000 of the bank's money, in consequence of which Mr. Quinlan saw fit to resign his position as cashier, is now in this city.

"I have just read with the deepest pain and regret of the resignation of Mr. W. J. Quinlan, Jr., cashier of the Chemical National Bank of New York," said Mr. Grable to-day. "He has been my friend for twenty years and I have been a depositor at the Chemical bank for more than six years past. My intimate business relations with him during this period have always been of the most pleasant character. It seems unnecessary for me to say to any one familiar with Mr. Quinlan's sterling integrity that he has never profited one cent from any of my business transactions with him."

"One year ago my obligations to the bank were \$180,000 and six months ago I had paid up every dollar. The present indebtedness has been incurred since that time. "I never knew, nor have I ever heard of the Mr. Silver mentioned in the dispatches as being a debtor of the bank, nor is he nor ever has been connected with any of my interests in any way."

Silver Gives \$64,000 in Securities.

NEW YORK, Feb. 3.--John S. Silver, one of the men whom Cashier Quinlan, of the Chemical National Bank, loaned money, was not at his office here to-day. President G. C. Williams, of the Chemical National Bank, said to-day that nothing has been found to justify the bank in beginning a criminal action against Mr. Quinlan. Mr. Williams said Mr. Silver called on him late yesterday afternoon, after the matter had become public, and handed him \$64,000 worth of securities. Mr. Williams to-day seemed doubtful about the value of the securities, but finally declared that they might after all prove to be worth more than he at first thought.

Says He Will Pay Up.

NEW YORK, Feb. 3.--John S. Silver, one of the men whom borrowing from the Chemical National Bank led to the resignation of Director and Cashier Quinlan, said to-day that he did not owe as much as he had been said to owe, but what ever the sum was he would pay it.

Trading Certified Checks.

NEW YORK, Feb. 3.--The officers of the Chemical National bank were in communication by telegraph with banks in various parts of the country to trace the course of the certified checks given by Cashier Quinlan to Messrs. Silver and Grable, and to ascertain whether financial institutions elsewhere had advanced money on drafts, such as were accepted as security at the Chemical National. The directors of the bank were in session all to-day discussing means of recovering as much as may be possible of the money loaned by Mr. Quinlan.

Sheriff Martin's Trial.

WILKESBARRE, Pa., Feb. 3.--The hearing of evidence for the commonwealth was begun in the Sheriff Martin trial to-day. Andrew Sivar was the first witness called. He told in detail of the march from Harwood to Latimer; how the sheriff had met them at West Hazleton, and told them to disperse, and how the chief of police had said to them that they could march through the side streets. The deputies then got on the car and when the strikers reached Latimer the deputies were lined up alongside of the road. Witness saw the sheriff draw his revolver and heard it snap, and then the shooting commenced and the witness dropped to the ground to avoid being shot. Witness said there was first one shot, then two, and then a volley.

Iron and Steel Market.

PITTSBURGH, Pa., Feb. 3.--The American Manufacturer in its weekly trade review, will say to-morrow: The main features of the local iron and steel market this week is the disposition shown in some lines to continue present prices farther than holders intended a short time ago. The eastern market remains about as it was at last report, as in New York nearly every line is rather dull. Railroad orders are slow in coming in, and competition is quite keen. There is no improvement in finished branches.

Two Cabinet Officers Present.

BALTIMORE, Md., Feb. 3.--Two cabinet officers were among the speakers at the annual banquet of the Merchants' and Manufacturers' Association here to-night. Secretary Gage, of the treasury, was the chief speaker, but Postmaster General Gary was also on the list as were Congressman Dingley, Congressman Allen, of Mississippi, and United States Senator Wellington.

Advance Will Be General.

DETROIT, Mich., Feb. 3.--A special to the Journal from Ishpeming, Mich., says the advance in wages February 1 at the Carnegie mines of Ironwood averaging 10 per cent, will be made general throughout the Gogebic iron range, between 3,000 and 4,000 employees being directly affected by the increase.

MOOTED QUESTION

Now Before the Supreme Court for Decision.

BIBLE IN PUBLIC SCHOOLS.

The Test Case Comes from Marion County Where a Petitioner Seeks to Compel a Board of Education to Discontinue the Reading of the Scriptures in the Schools of Grant District--Court Issues an Alternative Mandamus, and the Motion to Quash the writ is Argued by Counsel, and an Early Decision is Expected.

Special Dispatch to the Intelligencer.

CHARLESTON, W. Va., Feb. 3.--The much mooted question as to whether the reading of the bible in the public schools by the teachers is a violation of the law in West Virginia, is at last to be decided by the highest tribunal in the state. A test case has been submitted to the supreme court, and an early decision is expected. The case comes from Grant district, Marion county, and the petitioner, John Kennedy, seeks to compel the board of education of Grant district, and the trustees of Boothville free school, to discontinue the reading of the bible to and in the hearing of the pupils, this reading, without note or comment, being the regular opening exercises of that school.

Upon the petition of Kennedy the supreme court issued an alternative writ of mandamus against the defendants, commanding them to cause the teachers to discontinue the practice of reading the bible in the schools. The defendants, by their counsel, moved to quash the writ of mandamus and the case has just been argued before the court.

W. S. Haymond and B. L. Butcher, of Fairmont, appeared as attorneys for the petitioner, and Charles T. Caldwell, of Parkersburg, and Perry Shanor, of Sistersville, represented the defendants. It was argued by counsel for the plaintiff that the readings of the bible should not be allowed in the public schools; because, first, such reading is religious worship; and, second, the reading is religious instruction. It was further insisted that the constitution of West Virginia does not permit the reading of selections from any particular version of the bible, "because such stated reading tends directly to promote the interest of one sect or denomination or division of religionists to the exclusion of others; because, to that extent, it would require the people of the district to tax themselves for the support of a church or ministry; and because to tax a man to put down his own religion is the very essence of tyranny."

It was also urged that under the statute the bible is not a prescribed textbook for use in the schools of West Virginia.

The counsel for the defendants maintained that the reading of the bible without note or comment is not religious instruction. It was pointed out that the laws of West Virginia expressly provided for the moral training of her youth. It was urged that neither the constitution nor the statutes of the state prohibit the use of the bible as the highest standard and authority of moral training. Counsel insisted that the mere reading of the bible is not sectarian instruction, and that such use of the bible does not make it a text-book in the schools.

IMPORTANT DECISION

In Regard to the Discontinuance of Sub-District Schools.

Special Dispatch to the Intelligencer. CHARLESTON, W. Va., Feb. 3.--In the circuit court of Preston county, Judge John H. Holt has settled a case that was of peculiar interest to all sections of the state, from the fact that similar cases arise every year, and before this, none so far as known has been passed upon by a circuit court. The board of education of Grant district, Preston county, at the regular annual meeting in July, decided to discontinue a school in a certain sub-district, and ordered the pupils in that sub-district to attend school in a neighboring sub-district.

The law provided that in the case of the change of sub-district lines or the increase or decrease of the number of sub-districts, any one aggrieved may petition the county superintendent for a correction. In this case County Superintendent Whetzel having been appealed to, wrote State Superintendent Trotter for instructions. Mr. Trotter sent an opinion from the attorney general to the effect that if the county superintendent decided against the board, they could be compelled by mandamus to provide the school. Mr. Whetzel so decided, an application was made for a mandamus, it was granted and the petitioners now have a school. There was also a case similar to this in Mineral county, a few months ago, but it was not necessary to take it to court.

A REGULAR BLIZZARD

At Leachtown, Wood County--Teacher and Children Lost in Storm.

Special Dispatch to the Intelligencer. PARKERSBURG, W. Va., Feb. 3.--A blizzard of great intensity but of short duration, occurred at Leachtown yesterday. Brock Gaines, a school teacher, and four of his pupils, while on their way to their homes were caught in the blizzard, and for over a half hour were lost in the blinding snow and wind. Wilson Henthorne's house and two stores were blown down, but nobody was at home at the time. The thermometer at that place yesterday was five below.

Gen. Appleton's Big Task.

Special Dispatch to the Intelligencer. CHARLESTON, W. Va., Feb. 3.--General Appleton is engaged in compiling the names of the West Virginia soldiers and sailors who took part on the Union side in the civil war. He has 40,000 names to go over, all of which will be placed alphabetically, with the date of enlistment, promotion, death or discharge, together with any other matter that may pertain to the soldier or sailor.

Clothing Dealer Assigns.

Special Dispatch to the Intelligencer. PARKERSBURG, W. Va., Feb. 3.--Henry Rauch, of this city, has assigned his clothing stores at Sistersville and Marietta, naming M. E. Moch, of the latter place, assignee. The liabilities are between \$15,000 and \$20,000, and are equalled in value by the assets.

JURY SECURED

In the Goshorn Case After Exhausting Three Venues--Distinguished Counsel Engaged in the Trial.

Special Dispatch to the Intelligencer. CHARLESTON, W. Va., Feb. 3.--At last a jury has been secured in the Goshorn case and the trial is now in progress. The particular charge for which Goshorn is being tried is that of having stolen valuable papers from the office of the county clerk.

The special venire was exhausted, and two others were drawn, and it was only this morning that the necessary list of twenty was completed. It is composed as follows: C. P. Fisher, S. M. Dawson, J. W. Dunning, W. A. Boyd, H. J. Fulke, B. Fogarty, J. T. S. (Pintlock) Perry, H. J. Lines, P. S. Pierson, Fulton Tucker, H. C. Darr, W. T. Gresham, W. E. Sinnett, J. J. Wiseman, W. W. Smith, J. N. Nelson, J. H. Blaker, W. A. Kelley, Henry Hissom and William Anderson.

Col. J. B. Peyton, the veteran ex-clerk of the house of delegates, has been designated as a representative of Goshorn to assist the sheriff in guarding the jury. Counsel who have thus far participated in the case are: Messrs. A. C. Blair, S. C. Burdette and W. D. Thompson, of the firm of Vinson & Thompson, of Huntington, for the state, and Gen. C. C. Watts, Col. J. W. St. Clair, ex-Governor E. W. Wilson, A. Burlew and Charles Oesterton, for the defense.

Crouch's Partner Arrested.

Special Dispatch to the Intelligencer.

PARKERSBURG, W. Va., Feb. 3.--W. A. Freed, whose partner in the insurance business, Harry Crouch, skipped out Tuesday, leaving lots of creditors in the lurch, was to-day arrested for embezzling from the companies they represented. His arrest caused surprise, because he has heretofore been considered a model young man. He waived preliminary examination.

Will Go to the Tampa Congress.

Special Dispatch to the Intelligencer.

CHARLESTON, W. Va., Feb. 3.--Governor G. W. Atkinson, Mrs. Atkinson, Hon. W. M. O. Dawson, secretary of state, and Hon. L. M. LaFollette, state auditor, will leave next Monday for Tampa, Fla., to attend the south and west congress. The party will be joined by other delegates from West Virginia to the congress at Tampa, which meets February 8 to 10.

HASN'T BACKED DOWN.

Great Britain is Still Acting Strenuously in Favor of Free Ports in China--Hopes for American Support.

LONDON, Feb. 3.--On incontrovertible authority The Associated Press learns that Great Britain has not backed down on the question of making Ta-Lien-Wan a free port. The Marquis of Salisbury, Mr. Curzon, the parliamentary secretary of the foreign office; the Russian ambassador and the Chinese minister each said yesterday in conversation that they had not heard of any back-down.

The opening of Ta-Lien-Wan, it is pointed out, was never made a condition, in any sine qua non sense, in connection with the loan to China. In the preliminary negotiations on that subject the opening of Ta-Lien-Wan was "sketched in neutral tints," Great Britain only suggesting it as one condition favoring a speedy completion of the loan. She never demanded it and therefore in no sense can be said to have backed down, if the desire was not persisted in.

The heat of the Russian press on the subject is in no sense shown by the Russian government in its communications which have reached the foreign office. Though Russia has protested and means to continue to protest in the stoutest manner against Ta-Lien-Wan being opened by British influence, she will carry her protest to the point of making it a "cause belli." Further, it is by no means Russia's intention to close China to other nations in any concessions made to Russia by China. The irritation in Great Britain and the disappointment in the United States over the so-called backing down of the Marquis of Salisbury, is therefore not yet justified. Great Britain is acting strenuously in favor of free ports in China and hopes sincerely to have the moral support of the United States in this policy. If events should push Great Britain from this position with the prospect of defeat therein, she will ask for the support of Washington.

AN APPALLING CRIME.

An Arkansas Farmer Kills His Father, Mother, Ten Year Old Son and Seriously Wounds His Wife and Three Remaining Children.

LITTLE ROCK, Ark., Feb. 3.--One of the most horrible crimes ever perpetrated in this state took place in Franklin county last night. Sol F. Autrey, a farmer, accompanied by his family, went early yesterday morning, to visit his aged father and mother, living near Mulberry. Shortly after his arrival Autrey became engaged in a religious argument with the old folks. Suddenly he grasped an iron bar, killed his aged father, mother and his ten-year-old son and seriously wounded his wife and three remaining children, two of them not being expected to live.

His wife and eldest daughter, although badly hurt, managed to notify the neighbors. When they reached the house they found Autrey a raving maniac, with his clothing on fire. He was overpowered after a hard struggle. The sight that met the neighbor's eyes was appalling. The three dead victims of the crazy man lay on the floor, beaten, burned and mangled almost beyond recognition. He has been chained all day, talking incoherently, swearing that witches were the cause of the act. Some doubt his insanity.

Scram on Destructive Fire.

SCRANTON, Pa., Feb. 3.--Fire to-night totally destroyed the big Y. M. C. A. building, which contained two stories in addition to the assembly hall and rooms, a large livery stable, a milk distributing depot and one of a row of two-story dwellings. Loss \$225,000.

Cost of Cuban War.

MADRID, Feb. 3.--The cost of the Cuban war from February, 1895, to the end of 1897, is officially estimated at \$26,000,000, besides the arrears due from the Cuban treasury, amounting to \$40,000,000.

Somewhat Cool.

CHESTER DEPOT, Va., Feb. 3.--With the town still buried under snow, the temperature fell this morning to 10 degrees below zero, the coldest weather ever known here. At Londerberry the thermometer registered 45 below.

GERMANY'S ACTION

In Forbidding Further Importation of American Fruit

SEEMS ALMOST INEXPLICABLE.

Additional Information From Ambassador White Puts a Very Serious Phase on the Matter--The Decree Includes All Dried Fruits of American Production.

The State Department Will Communicate Some Very Plain Facts to the Berlin Government--The Course Pursued Very Discourteous to the United States Ambassador.

WASHINGTON, Feb. 3.--A brief cablegram from Ambassador White, at Berlin, that came to the department of state last evening conveyed the only official information so far received as to the decree of exclusion of American fruit from Prussia. This cablegram was so meagre that a request has been sent to Mr. White for further details. While it is not positively known, it is supposed that the decree applies only to Prussia and not to all Germany, a considerable limitation. Whether or not it also applies to Canadian fruit is a matter of speculation and in view of the large trade in Canadian apples this will be important for the Dominion authorities to consider.

The German ambassador was a visitor at the state department early to-day and spent most of his time with the officials. After talking with Secretary Sherman and Assistant Secretary Day, the ambassador was for half an hour in close consultation with Mr. Kasson, the special commissioner for the United States in the negotiation of reciprocity agreements. The ambassador had no news from Berlin directly as to the last decree which threatens to kill hope of the negotiation of any kind of a reciprocity treaty or agreement within the terms of the present tariff act so far as Germany is concerned.

It is gathered that the basis of the decree, or rather the reason officially to be sent out by the Prussian government for the exclusion is that some shipments of American apples, coming from California, have been discovered to be affected with the disease known as San Jose scale, but just how German apples are endangered, even if this fact should be established, is not made plain.

During the afternoon, further advices were received from Ambassador White as to the nature of the decree. It would seem that the full details are not yet obtainable in Berlin, but it is expected that the ambassador will cable the entire decree as soon as he can obtain possession of it. The important facts that were established by the last advices were: First, that the decree of exclusion uses the word "American" as descriptive of the place of origin of the fruit, which would seem to include Canadian fruit without question; second, that the decree instead of applying only to fresh fruit, as was at first supposed, includes in the prohibition all dried fruits of America.

State department officials have not yet recovered from their surprise at the method adopted by the German government of accomplishing its object in this matter, and undoubtedly the correspondence to follow will set this very clearly. The objection to the course pursued is three fold. In the first place, it is said to be entirely without precedent and discourteous towards the American ambassador at Berlin to make the decree, and put it into effect without the slightest warning to him. In the second place, by making the decree take effect at once and stopping all fruit in transit, a great injustice is done to shippers, who thus, without warning, are made to lose heavily on their capital invested in the fruit. Third, the decree is condemned in that it makes no provision for the admission of fruit of absolute purity; permits no demonstration of origin or healthful condition, and in the fact condemns all fruit, good and bad alike.

These considerations are to be strongly urged upon the German government as reasons why it should either revoke or modify the decree on the lines indicated before any more radical action is taken.

BERLIN, Feb. 3.--It is announced that the Bundesrath (Federal Council) in plenary sitting to-day approved its committee's proposal that a decree should be issued prohibiting the importation from America of live plants and shrubs and packages containing the same. The decree will also in a certain measure affect American fruits. There are to be examined by experts on their arrival at German ports, and packages found to be infected with the fruit louse will be excluded. Instructions to this effect will be issued to the customs authorities.

This announcement, which is made by an official agency, appears to indicate a measure distinct from the decree issued on Tuesday, Dr. Miquel, the Prussian minister of finance, prohibiting the importation of every kind of American fresh fruit, but it is difficult to ascertain the exact details.

California Don't Care.

SAN FRANCISCO, Feb. 3.--Among the fruit importers in San Francisco, the news of the action of the German government prohibiting the importation of American fruit has created no alarm. Albert Castle, of Castle Bros., voices the general sentiment in the statement that California sent too little fresh fruit to Germany to feel the prohibition. He agreed with J. K. Armsby & Co.'s representatives and those of Porter Bros. & Co., and Rosenberg Bros. & Co., that at present the market in Germany for this state's fresh fruits was not of sufficient importance to justify alarm.

Chicago and Cracker Combine.

CHICAGO, Feb. 3.--All the biscuit and cracker companies between Salt Lake City on the west, Portland, Me., on the east, St. Paul in the north and New Orleans in the south, will to-morrow morning be under one management. The name of the new corporation, which was incorporated in the state of New Jersey to-day, with a capital of \$25,000,000 of preferred and \$20,000,000 of common stock